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CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH.

...
O.A. No. 651 of 1989

Ashutosh Srivastava Applicant

Versus

The Union of India
and another Respondents.

...
Hon. Mr. Justice U.C. Srivastava, V.C.
Hon'ble Mr. V.K. Seth, Member (A)

(By Hon. Mr. Justice U.C. Srivastava, V.C.)

This application is directed against the decision of the respondent no. 2 in not offering appointment to the applicants even after his having qualified in the written test as also in the interview held for category 25 vide employment notice No. 2/80-81, the result for which has been finally declared on 22.11.1988. The applicant was a candidate for appointment on various posts ~~30000~~ advertised by the Railway Service Commission, Bombay in the year 1980. The applicant appeared in the written test on 21.6.1981 and after having qualified in the written test, he was invited to attend Viva-voce test on 31.12.1981, and after having qualified in the viva-voce test, he was subjected to Psychological Test, and it is clear that ~~3000~~ those candidates who opt for posts of ASM's should be subjected to Psychological Test. The post of ASM is ~~not~~ offered to him in posts of other categories like office Clerks, Commercial Clerks and Ticket Collectors are offered to such candidate. The psychological test of candidate is taken

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only when **they** qualify at the Viva-Voce test. Those candidate who fail in the Viva-voce test is not subjected to Psychological test. The applicant was again called for interview, on 26.6.1987 at Bombay; The result of the candidate called for interview for the 2nd time including the applicant was finally declared on 28/29-11-1988 but the name of the applicant **does** not figure in the result so announced, and after failing to get any relief from the department, the applicant has approached the Tribunal praying that the respondent(s) to be directed to recommend his name for appointment to one of the posts of Category-25 advertised by the Railway Service Commission, Bombay on the basis of his performance at the written test and the viva-voce held in June, 1981 at Lalitpur (UP) and in December, 1981 at Agra Cantt, without taking into consideration the result of his interview held in June, 1987. As no reply has been filed by the respondents as such, it is presumed that the respondents have accepted the claim of the applicant.

2. Accordingly, the respondents are directed to give an appointment to the applicant in case, he is entitled to take the same notwithstanding the fact that he has failed in the ~~the~~ Psychological test but taking into consideration his merit position as well as he has qualified in the written test as well as in the interview, and let this consideration be made within a period

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of 3 months from the date of receipt of the certified copy of this judgment. The application is disposed of with the above direction. No order as to costs.

W.W.
Member (A)

W.W.
Vice-Chairman

Dated: 28.4.1993

(n.u.)